

*Kelly Conrad Green II v
Corizon Health, Inc., et al.*

*Mark Begines
January 27, 2014*



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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

KELLY CONRAD GREEN II, an)
individual by and through his)
Guardian ad litem Derek Johnson,))
Plaintiff,)
v.)No. 6:13-cv-01855-T
CORIZON HEALTH, INC., a)
Tennessee Corporation; et al.,)
Defendants.)

DEPOSITION OF MARK BEGINES

January 27, 2014

Tuesday

11:51 A.M.

THE VIDEOTAPED DEPOSITION OF MARK BEGINES
was taken at 172 East 8th Avenue, Eugene, Oregon,
before Eleanor G. Knapp, CSR-RPR, Certified
Shorthand Reporter in and for the State of Oregon.

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WITNESS.....PAGE

MARK BEGINES

BY MR. ROSENTHAL

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EXHIBITS: None marked.

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APPEARANCES

For the Witness:

EUGENE CITY ATTORNEY'S OFFICE
125 East 8th Avenue, 2nd Floor
Eugene, OR 97401
541/682-8447
BY: MR. BEN MILLER

For the Plaintiff:

ROSENTHAL GREENE & DEVLIN
121 SW Salmon Street, Suite 1090
Portland, OR 97204
503-228-3015
BY: MR. ELDEN ROSENTHAL
MR. JOHN DEVLIN

For Corizon Defendants:

STEWART SOKOL & GRAY, LLC
2300 SW First Avenue, Suite 200
Portland, OR 97201
503-221-0699
BY: MR. JAMES DAIGLE
MR. ROBERT COLEMAN

For Lane County Defendants:

OFFICE OF LEGAL COUNSEL
LANE COUNTY COURTHOUSE
125 East 8th Avenue
Eugene, OR 97401
541-682-3728
BY: MR. SEBASTIAN NEWTON-TAPIA

Also Present: MS. JAMIE IBOA

Videotaped by: VERBATIM VIDEO, BEN BOCHNER

Reported by: ELEANOR G. KNAPP, CSR-RPR

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1 MARK BEGINES,
2 having been first duly sworn to testify the truth,
3 the whole truth, and nothing but the truth, was
4 examined and testified as follows:

5
6 EXAMINATION
7 BY MR. ROSENTHAL:

8 Q. Hi. My name is a Elden Rosenthal. I'm a
9 lawyer in Portland. Mr. Devlin and I represent the
10 estate of Kelly Green. The gentleman that this case
11 is about has passed away since your pickup.

12 My goal here is to find out information.
13 I'm not going to try to trick you and play word
14 games. So if I ask a question that's confusing,
15 please ask me to clarify what I'm asking you.
16 Thanks.

17 And it's a normal habit in conversation
18 when you know the question to start answering before
19 the question ends. I do it all the time. But in
20 this process it's best for the court reporter if you
21 are sure I'm done before you start talking.

22 A. Okay.

23 Q. Thanks. I just interviewed Mr. Mitchell,
24 so I don't need to go over this in great detail.
25 What I want to find out is if there's some things

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<p style="text-align: right;">Page 9</p> <p>1 A. We switch calls.</p> <p>2 Q. Right. So if it was his case, would he be</p> <p>3 the one that would be primarily responsible for</p> <p>4 doing any physical examination or testing of</p> <p>5 reflexes, and things like that?</p> <p>6 A. Not necessarily. We operate as a team so</p> <p>7 we always -- you know, if -- during questioning if</p> <p>8 he forgets something, maybe I will mention it to</p> <p>9 either the patient or Mitchell so that we both have</p> <p>10 an idea and we are on the right track or the same</p> <p>11 idea.</p> <p>12 Q. Do you remember anything that Mr. Green</p> <p>13 said in the first few moments that you were in the</p> <p>14 jail cell with him, in your first conversation with</p> <p>15 him?</p> <p>16 A. Well, yeah. I remember when we entered</p> <p>17 into the room, walked over to him, wanted to make</p> <p>18 sure that he didn't have something under the</p> <p>19 blankets, because they were nice and smooth, not</p> <p>20 like ruffled up like he had been moving around. His</p> <p>21 hands were -- appeared to have his hands like this.</p> <p>22 So I came over to him -- I can't remember if I</p> <p>23 introduced myself, whatever the case may be. But I</p> <p>24 lifted up the blanket and his hands were just like</p> <p>25 this.</p>	<p style="text-align: right;">Page 11</p> <p>1 And then at one point in time I asked</p> <p>2 Mitchell to do the same with the leg. "Can you feel</p> <p>3 that?" He is like, "No."</p> <p>4 I can't recall if Mitchell ended up</p> <p>5 touching his feet. I asked him at one point in</p> <p>6 time, "Wiggle your toes," because I could see that</p> <p>7 they were moving slightly. And I've been on a few</p> <p>8 other incidences where there's been some paralysis</p> <p>9 on patients out in the field and I've seen that</p> <p>10 before.</p> <p>11 Q. That their toes will wiggle?</p> <p>12 A. It's not like big movements. It's very</p> <p>13 small movements. And then --</p> <p>14 Q. So you asked him if he could move his</p> <p>15 toes?</p> <p>16 A. Yeah. And he said no, he can't move</p> <p>17 anything.</p> <p>18 Q. But you saw they were moving slightly?</p> <p>19 A. Just very little.</p> <p>20 Q. And he said that he couldn't move them?</p> <p>21 A. Yeah. And he didn't have any feeling.</p> <p>22 Q. Do you remember when your partner picked</p> <p>23 his arm up and asked him if he could hold his arm</p> <p>24 up?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 10</p> <p>1 And I don't recall what I said to him, but</p> <p>2 I ended up putting my hand onto his temporal area to</p> <p>3 hold his -- yeah, like this -- to be able to hold</p> <p>4 his head straight so he didn't move side to side.</p> <p>5 Q. Why did you do that?</p> <p>6 A. C spine precautions. If there's a head</p> <p>7 injury, you know, we need to rule out that there's</p> <p>8 nothing else such as spinal trauma. And if that's</p> <p>9 the case, then we need to take C spine.</p> <p>10 Q. So I interrupted what you were telling me.</p> <p>11 So you reached over and you grabbed his forehead.</p> <p>12 Do you remember anything about that initial</p> <p>13 conversation with him?</p> <p>14 A. I don't know at what point in time he</p> <p>15 ended up saying -- you know, how I asked him a</p> <p>16 question, "Hey, can you move your fingers or move</p> <p>17 your toes for me?" But he said, "I can't move</p> <p>18 anything." And then I -- I ended up going down -- I</p> <p>19 remember reaching down and grabbing some of his arm</p> <p>20 hairs.</p> <p>21 Q. His arm hairs?</p> <p>22 A. Yeah, just to tug on them which would</p> <p>23 cause some stinging pain in a sense to see if he</p> <p>24 could feel that. I grabbed some arm hairs. I said,</p> <p>25 "Can you feel that?" He is like, "No."</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Do you remember your partner doing the</p> <p>2 Babinski on the bottom of his foot?</p> <p>3 A. No. I don't recall that.</p> <p>4 Q. Was it pretty obvious to you within a few</p> <p>5 minutes in the jail cell that there was a probable</p> <p>6 spinal cord injury?</p> <p>7 A. Yes.</p> <p>8 Q. What did -- and did you and your partner</p> <p>9 verbalize it to each other, "Uh-oh, we've got a</p> <p>10 spinal cord injury here"?</p> <p>11 A. Yeah. I remember talking to Mitchell</p> <p>12 after looking at -- I believe it was after looking</p> <p>13 at his vital signs. You know, whether or not this</p> <p>14 guy was faking or not, his vital signs are pointing</p> <p>15 to neurogenic shock, which would indicate spinal</p> <p>16 cord injury. It fits the full criteria.</p> <p>17 And I remember saying that, "This is not</p> <p>18 for us to determine if he is faking. We need to</p> <p>19 properly treat him and take him to the hospital and</p> <p>20 have him evaluated. This is a full trauma</p> <p>21 activation so we need to get this rolling."</p> <p>22 Q. Had somebody suggested to you he might be</p> <p>23 faking?</p> <p>24 A. I don't remember that.</p> <p>25 Q. I was just curious why you said it that</p>